

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**C.M NO. 35805 OF 2001 IN
C.W.P NO. 287 OF 1983**

DECIDED ON : 16.02.2009

Miss Madelsa Rani

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SURYA KANT

Present : Mr. Rajiv Sharma, Advocate,
for the petitioner.

Mr. R. D. Sharma, Senior DAG, Haryana.

SURYA KANT, J. (ORAL)

In view of prayer made by learned counsel for the petitioner, this execution petition is treated to have been filed under Article 227 of the Constitution of India.

The petitioner filed C.W.P No. 287 of 1983, inter-alia, seeking :

- 1 (i) to regularize her services as Planning Assistant;
- 2 (i) to fix her pay in accordance with the Rules;
- 3 (i) to pay her the arrears of salary, so fixed and grant consequential benefits;
- 4 (i) any other relief which this Court may deem just and fit.

The writ petition was allowed by a learned Single Judge of this Court vide judgment dated 27.11.1997, the operative part of which reads as follows :

“ This argument is devoid of merit, Rule 4.4 (c) clearly envisages that a government employees seeking its benefits may come to the higher post from a lower post either by promotion or by a fresh appointment.

The petition is, accordingly, allowed. Resultantly, the respondents are directed to re-fix the pay of the petitioner in the light of the observations made above within a period of six months from the day that a certified copy of this judgment is made available to them and pay her all the arrears on the amounts due with interest @ 12% p.a from the date the same fell due till the date of payment. Costs of the petition are also determined at Rs.500/-”.

This execution petition has been filed by the petitioner on the premise that her pay has not been fixed strictly as per Rule 4.4 (c) 1 (i) of the Punjab Civil Service Rules, Volume - I, Part - I, as applicable to State of Haryana.

Notice was issued and in response thereto, the respondents have filed their reply. It is explained that the petitioner's pay has been fixed strictly as per the aforesaid Rule, but the petitioner is alleging non-compliance of the Court order

on the plea that increments for a period of five years during which she was not allowed to cross the efficiency bar due to poor service record, be also added.

The question as to whether or not the petitioner was entitled to cross the efficiency bar or the same was erroneously withheld by the respondent, was not the subject matter for adjudication before this Court in C.W.P No. 287 dated 27.11.1997.

In this view of the matter, the execution petition is disposed of being fully satisfied, however, with liberty to the petitioner to challenge the withholding of her efficiency bar in accordance with law.

Disposed of.

FEBRUARY 16, 2009
shalini

(SURYA KANT)
JUDGE